

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

BRYAN CARY,

Plaintiff,

v.

KIM FARRIS,

Defendant.

Case No. 1:22-cv-10349

Honorable Thomas L. Ludington
United States District Judge

Honorable Patricia T. Morris
United States Magistrate Judge

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING
WITHOUT PREJUDICE PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

On November 14, 2022, Magistrate Judge Patricia T. Morris issued a Report and Recommendation (R&R) recommending that the undersigned deny Plaintiff's motion for summary judgment with prejudice. ECF No. 33 at PageID.164.

The R&R states that the parties could object to and seek review of the R&R within 14 days of service. But neither party objected. Therefore, they have waived their right to appeal Judge Morris's findings. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that Judge Morris's Report and Recommendation, ECF No. 33, is **ADOPTED**.

Further, it is **ORDERED** that Plaintiff's Motion for Summary Judgment, ECF No. 24, is **DENIED WITHOUT PREJUDICE**.

This is not a final order and does not close the above-captioned case.

Dated: December 5, 2022

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge